



**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/293,266	04/16/99	BENNETT III	R A00513

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EXAMINER	
DEANE JR, W	
ART UNIT	PAPER NUMBER
2742	

DATE MAILED: 07/05/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
**09/239,266**

Applicant(s)  
**Bennett et al.**

Examiner  
**Bill Deane**

Group Art Unit  
**2742**



☒ Responsive to communication(s) filed on Apr 16, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claim

☒ Claim(s) 1-19 is/are pending in the applicat

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-19 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☒ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 4

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 - 4, 6, 8 - 11 and 14 - 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,568,546 (Marutiak) in view of U.S. Patent No. 5,481,595 (Ohashi et al.) .

Marutiak discloses a method of receiving a service code from a calling party; upon receiving the service code, retrieving a list of parties previously called by the calling party; receiving a dialed input from the calling party, the dialed input indicating a selected party from the list; and initiating a call between the calling party and the selected party based on the dialed input. See the Abstract. Note that the examiner is equating the going off-hook as a service code (see specification and claim 1). Note dialed input consists of a single key (Col 3, lines 49 - 54).

Therefore, Marutiak teaches the method as claimed except for the step of generating an audio message to the calling party. However, Ohashi et al teach the generating of an audio message of previously called callers (See abstract). It would have been obvious to one of

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ordinary skill in the art to have incorporated the audio message step as taught by Ohashi et al with the method of Marutiak in order to provide a more flexible system.

With respect to claim 3, if the device can store numbers it would be obvious to one of ordinary skill in the art to names or whatever else was deemed necessary. It is also believed that names could be store in any of the multiple storage areas and could also be stored by talking in the microphone. Note that there is 2 seconds to record a voice tag which is played back (See Summary of the Invention)

3. Claims 5, 6, 12 - 13 and 18 - 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marutiak as applied to claim 1 above, and further in view of U.S. Patent No. 6,076,121 (Levine).

Note that Levine teaches vertical service codes (Col 12 lines 1 - 19) that is less than seven digits. It would have been obvious to one of ordinary skill in the art to have provided the use of vertical service codes as taught by Levine in the method of Marutiak as such would entail nothing more of substituting one known code for another.

4. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Marutiak and Ohashi et al. and further in view of Levine. The discussion would be the same as that above.

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*Conclusion*

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

U.S. Patent No. 5,535,258 (Joglekar et al.) - note use of audio messages;

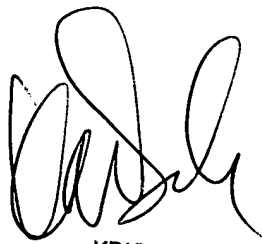
U.S. Patent No. 5,592,546 (Takahashi) - note history of calls table; and

U.S. Patent No. 6,064,725 (Nakanishi) - note call-history memory.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bill Deane whose telephone number is (703) 306-5838. In addition, facsimile transmissions should be directed to Bill Deane at facsimile number (703) 308 - 6306.

  
WJD

June 29, 2000

  
KRISTA ZELE  
SUPERVISORY PATENT EXAMINER  
GROUP 2700